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Brandon Linn
Rodney Phillips
Steve Stroud

**CHINA GROVE PLANNING BOARD MEETING
ELECTRONIC MEETING
Minutes of Regular Meeting
Tuesday, September 8, 2020**

The China Grove Planning Board met electronically on Tuesday, September 8, 2020 at 6:05 PM at the China Grove Town Hall, 333 North Main Street, China Grove, North Carolina.

Planning Board Members Virtually Present: David Morton, Chairman
Butch Bivens, Vice Chairman
Brie Bivens-Hager
Rodney Phillips
Jason Hinson
Jason Higgins

Planning Board Members Absent: Natalie Morgan

Staff Virtually Present: Pamela Mills, Town Clerk
Franklin Gover, Assistant Town Manager

Visitors Virtually Present: Eddie Moore, Matt Pannell, John and Janet Eckard, Myrna Moeller, Michelle Register

Roll Call and Recognition of Quorum

Chairman Morton called the meeting to order at 6:00 PM. The presence of a quorum was recognized at that time.

Adoption of Agenda

Chairman Morton stated there is a typo on item 8 a. should read R-MH and not R-M. Mr. Phillips made the motion to adopt the agenda. Mr. Higgins seconded the motion, which carried unanimously.

Approval/ Corrections of Minutes

Mr. Phillips made the motion to approve the August 11th, 12th, 13th and 19th, 2020 minutes. Mr. Bivens seconded the motion, which carried unanimously.

Public Comment

None

2020-Z-02, 2020-CUP-02, 2020-S-01 Major Subdivision Collin's Walk

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Chairman Morton stated as we left it on August 19th, we asked the developer to come back with a revised drawing of some changes which included changing some of the 50 ft lots on Shue Road to 60 ft lots, and more options for a different type of house plans. He stated we received an email from Mr. Moore and it does not look like any changes were made since the meeting. He asked Mr. Moore if he had a changed plan. Mr. Moore stated there are no revised plans with the exception of changing the entrance from Shue Road to front between the adjacent properties. He stated he has some slides to recap everything. Chairman Morton asked if it is any new information or just a recap. Mr. Moore stated there is no new information just reasons why we are moving forward with the same lot count and not changing lots to 60 ft.

Mrs. Bivens-Hager joined the meeting at 6:11 pm.

Chairman Morton asked Mr. Moore to take a brief moment to recap. Mr. Moore stated this would be a one million dollar active amenity facility with a soft trail greenway system and the 30 ft wide product. He stated the General Assembly in 2013 passed a bill preventing zoning design and aesthetic controls for single family homes. He stated Municipalities cannot disapprove a Conditional Use Permit or a Conditional Rezoning based on the location or architectural styling of windows and doors, including garage doors. He stated Lennar is committed to carriage style door hardware for the garage doors. He stated the reason more 60 ft lots are not proposed is due to the elevation difference from east to west, and 10 onsite protected streams, floodplain, and floodway. Chairman Morton stopped Mr. Moore and stated you are not providing us with any new information. He stated all you have just discussed was said at the August meeting. He stated we understand you are trying to make your case but you're not providing us with anything new to the site itself. He stated we understand what the houses do to the tax base, and we understand the cost of building homes have gone up. He stated the Board asked you to come back with changes and you have chosen not to make those changes. He stated we do not believe the General Statue 106D-702 applies in this case due to the fact this is a Conditional Use hearing and it is in are capability of placing architectural restrictions on the house.

Chairman Morton stated we are looking at the same site plan as we saw in August and we need to make a decision based on that plan. Mr. Hinson asked what the next step would be. Chairman Morton stated it will go to the Council with a recommendation from us. He stated we can recommend to approve, approve with conditions or deny. He stated this property has an expired Conditional Use Permit on an old rezoning with no uses. He asked Mr. Gover what the original zoning was. Mr. Gover stated in 2005 there was a conditional use rezoning based on a plan that was presented with a bunch of conditions. He stated that developer had 2 years to submit a final plat but did not. He stated there is no permitted uses on this site. He stated zoning is a legislative action and until the Town Council rezones the property and permits a use nothing can be built on the site. He stated Planning Board could make a recommendation to the Town Council to return the zoning back to the original zoning. He stated the Town has a different ordinance now and it would go to the equivalent zoning district. He stated this would make it a large Industrial area, a small R-M area and the rest would be R-S. He stated the Board tonight needs to make a statement of consistency and reasonableness on why it is compatible or not compatible, a motion to recommend or deny the rezoning, a motion to recommend or deny the CUP with or without conditions and a motion to approve or deny the preliminary plat.

Chairman Morton asked if we wanted to take the zoning back to the original zoning, would we just recommend to the Town Council to revert the zoning. Mr. Gover stated upon expiration of a Conditional Use you can make the recommendation to resend it to the initial zoning.

Mr. Phillips stated he knows we are concerned with the number of 50 ft lots and the architectural design of the home. He stated he would like our Attorney to advise us on the General Statue. He stated he would like to recommend approval with conditions and see what the Town Council's views are. He stated he is

not a fan of the 50 ft lots or the house design but these types of neighborhoods are selling. Mr. Bivens agrees with Mr. Phillips and is for recommending approval. Mr. Hinson asked if we could recommend approval with conditions. Mr. Gover stated you can recommend approval with conditions; they would have to agree to those conditions at the Town Council. Mr. Higgins stated he wants to see the development on this side of town. Mrs. Bivens-Hager stated the proposed project does not meet our guidelines and does not think it should be approved. She stated if they are willing to make the changes recommended then she would be for the project.

Statement of Consistency and Reasonableness

Mrs. Bivens-Hager made a motion that 2020-Z-02 is appropriate and necessary to meet the development needs of China Grove for the following reasons not previously envisioned by the China Grove Land Use Plan because of the proximity to Hwy 29 and commercial development, the site has connectivity to sewer and water, and the topographic challenges to the site. Furthermore, the adoption of 2020-Z-02 is deemed an amendment to the China Grove Land Use Plan and is reasonable and in the public interest based on the fact the proposed subdivision has a similar gross density of less than 3 units per acre to the Suburban Residential zoning district. Mr. Phillips seconded the motion, upon a roll call vote Chairman Morton voted yes, Mr. Higgins voted yes, Mr. Hinson voted yes, Mr. Bivens voted yes. (6-0)

Mrs. Bivens-Hager recommended to approve the request to rezone Rowan County Tax Parcels 115 169 & 114 007 from Suburban Residential and Mixed Residential Conditional Use districts to a new Mixed Residential Conditional Use district. Mr. Hinson seconded the motion, upon a roll call vote Mr. Bivens voted yes, Mr. Hinson voted yes, Mrs. Bivens-Hager voted yes, Chairman Morton voted no. (5-1)

Mr. Phillips recommended to approve of 2020-CUP-02 the request for a Conditional Use permit for a Major Subdivision in the Mixed Residential zoning district; with the conditions the realignment of the first entrance to slit the adjacent properties, that lots 1-34 along Shue Road be changed from 50 ft to 60 ft lots, design and implementation of pool and greenway, architectural design to meet the UDO. Mr. Hinson seconded the motion, upon roll call vote Mr. Bivens voted yes, Mr. Higgins voted yes, Mrs. Bivens-Hager voted yes, Chairman Morton voted yes. (6-0)

Mrs. Bivens-Hager recommended to approve the Collin's Walk Preliminary Plat 2020-S-01 with the conditions above. Mr. Phillips seconded the motion, upon roll call vote Mr. Bivens voted yes, Mr. Higgins voted yes, Mr. Hinson voted yes, Chairman Morton voted yes. (6-0)

Courtesy Hearings

Please Note: Due to the current State of Emergency no Board action on public hearing items will occur if a virtual meeting is used to conduct the public hearing. The item will be continued and the public will have 24 hours from the end of the meeting to provide comments on the public hearing item.

2020-Z-04 Manufactured Home Residential to Neighborhood Center

Mr. Gover stated the applicant, Rick Register is requesting a zoning map amendment on Rowan County Tax Parcel 117 210 from Manufactured Home Residential to the Neighborhood Center. He stated the address is 165 Shue Road and is .43 acres. He stated the property is currently vacant and historically a single section manufactured home occupied the property. He stated the parcel fronts Shue Road and is in the vicinity of Main Street. He stated RS zoning is to the Northeast, HB is along Hwy 29, and a small area of R-MH. He stated the parcel is located in the Neighborhood Residential future land use category of the China Grove Land Use Plan. He stated if approved this would change the future land category to Neighborhood Center and is ideal for this parcel. He stated the goal of Neighborhood Center is to provide walkability services and restaurants to neighborhoods. He stated Shue Road has an estimated capacity of 2,400 daily trips, and North Main Street has an estimate capacity of 10,700 trips a day.

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Chairman Morton opened the courtesy hearing.

No written comments were submitted before the meeting and no comments from the public were made during the meeting.

Mr. Hinson stated he has no questions or concerns. Mrs. Bivens-Hager stated she has no questions or comments. Mr. Phillips stated he has no comments or concerns.

Chairman Morton recessed the courtesy hearing until Thursday, September 10th, 2020 at 6:00 PM to allow for the 24-hour written public comment requirement.

2020-Z-05 Suburban Residential to Manufactured Home Residential

Mr. Gover stated the applicant, John and Janet Eckard is requesting a zoning map amendment on Rowan County Tax Parcels 128A013 and 128 095 from Suburban Residential to Residential Manufactured Home. He stated the properties are currently vacant and the parcels are split by John Street. He stated the smaller portions of these parcels are within the regulatory floodplain. He stated areas like this occur when there is no base flood elevation established. He stated developing these small portions are not practical. He stated there are some existing manufactured homes in the area closer to Hwy 29. He stated the property is located in the Rural Residential future land use category of the China Grove Land Use Plan. He stated the Rural Residential category is typical for the ETJ area. He stated the Suburban Residential or Rural Preservation districts are seen compatible with this area. He stated the R-MH district does allow single family homes or manufactured homes on individual lots. He stated the ordinance is a little unclear on the R-MH district. He stated the R-MH district is designed to allow proper location and planning of attractive manufactured homes. He stated the description of the R-MH district states all manufactured homes shall be located within a manufactured home development. He stated within the same chapter of the UDO it talks about allowing multi-sectional manufactured homes on individual lots. He stated we do have special requirements which are masonry under pinning with towing apparatus removed and a front porch. He stated if approved this would be subject to Rowan County Environmental Health standards due to the septic systems and required repair areas.

Chairman Morton asked if the lots are large enough to place a single family or manufactured home on the lot. Mr. Gover stated yes, the reason for the rezoning is to allow for a manufactured home. Mr. Phillips asked if each lot would have to be half an acre. Mr. Gover stated due to the septic system repair area the lots need to be half an acre. He stated you have to have a 100% repair area. Mr. Phillips asked if a maximum of 5 manufactured homes. Mr. Gover stated only one home could be on a parcel and there are two lots.

Chairman Morton opened the courtesy hearing.

No written comments were submitted before the meeting.

John and Janet Eckard – Mrs. Eckard stated they only want to place two doublewides on the three acres. She stated she is in agreeance of removing the tongue and adding brick and a porch. She stated they have no interest in using the small portions on the opposite side of John Street. She stated she is interested in purchasing the land but only if the rezoning goes through.

Mr. Hinson stated he has no concerns or comments.

Chairman Morton recessed the courtesy hearing until Thursday, September 10th, 2020 at 6:00 PM to allow for the 24-hour written public comment requirement.

2020-Z-06 Central Business to Town Residential

Mr. Gover stated there are several properties between West Ketchie Street and Park Street that have a portion of their properties zoned Central Business. He stated the properties are Rowan County Tax Parcels 102 074, 102 218, 102 061, 102 062, 102 063, 102 220, and 102 075. He stated the Town is requesting a zoning map amendment to rezone these portions from Central Business to Town Residential. He stated these portions are directly behind Town Hall. He stated the properties are all developed with single family uses and their accessory uses. He stated talking to one of the neighbors she stated there were several gardens in the area. He stated the properties are located in the Neighborhood Residential future land use category of the China Grove Land Use Plan. He stated the Town Residential zoning district is compatible with the Neighborhood Residential category. He stated if approved this would allow the subject parcels to place accessory structures in their rear yards.

Chairman Morton stated he spoke with a previous Mayor and he said the Town owned these portions at some time. He stated it could have been a water tower, pump station, or alley way at some point. He stated he also had heard it was a garden area.

Chairman Morton opened the courtesy hearing.

No written comments were submitted before the meeting and no comments from the public were made during the meeting.

Chairman Morton recessed the courtesy hearing until Thursday, September 10th, 2020 at 6:00 PM to allow for the 24-hour written public comment requirement.

Adjourn

Mr. Hinson made the motion to recess until September 10th, 2020. Mrs. Bivens-Hager seconded the motion, which was carried unanimously.

David Morton
Chairman

Pamela L. Mills, CMC
Town Clerk